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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,481	10/23/2003	Philip Berardi	I008-P03170US	1998

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SOCAL IP LAW GROUP  
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EXAMINER
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SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/692,481

Applicant(s)

BERARDI, PHILIP

Examiner

Jon A Szumny

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/7/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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This is the first office action for application number 10/692,481, Mount for Stage Apparatus, filed on October 23, 2003.

*Priority*

Domestic priority of application numbers 60/420,896 and 60/420,983 each filed on October 23, 2002 is acknowledged.

*Information Disclosure Statement*

Receipt is acknowledged of Form PTO-1449, Information Disclosure Statement, which has been reviewed by the Examiner.

*Claim Objections*

Claims 13, 21, 33 and 35 are objected to because of the following informalities:

In claims 13, 21 and 33, lines 1-2, it appears that "...in the rail then the knob assembly is rotated" should be --in the rail, *and* then the knob assembly is rotated--;

In claim 35, lines 4-5, it appears that "quickly easily" should be --quickly *and* easily--.

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

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Claims 17, 24, 25, 28 and 35-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites the limitations "each of the heads of the t-bolts of the knob assemblies" and "the pin body" in lines 2 and 5, respectively. Claim 25 recites "the side of the base plate" in lines 1-2. There is insufficient antecedent basis for these limitations in the claims.

Further, in claim 25, it is not clear if the applicant is not attempting to positively recite the rail in lines 1-2 ("...coupled to the side of the base plate that meets the rail"), after the rail was merely *functionally* recited in claim 24 ("...wherein the support mount is *attachable* to the rail..."). The applicant must make it clear whether the rail is positively or functionally recited. For instance, reciting --...coupled to the side of the base plate that is *adapted to meet* the rail-- would recite the rail functionally, and the Examiner will assume this is so for the purposes of this office action. A similar situation exists in claims 17 and 28 since the applicant is now attempting to positively recite the material of the rail, and the Examiner will still assume the rail is merely *functionally* recited.

In claim 35, the last line, it is not understood what is meant by "attaching a stage apparatus a mount device included with the support mount." It appears the applicant meant to recite --attaching a stage apparatus *to* a mount device included with the support mount--, and the Examiner will assume this is so for the purposes of this office action.

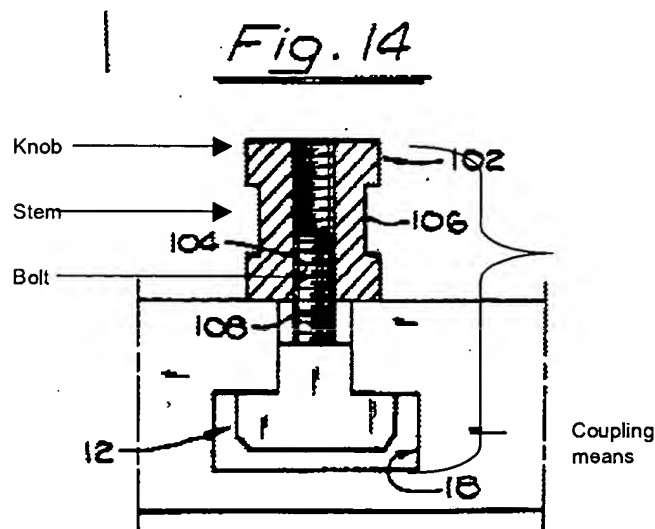
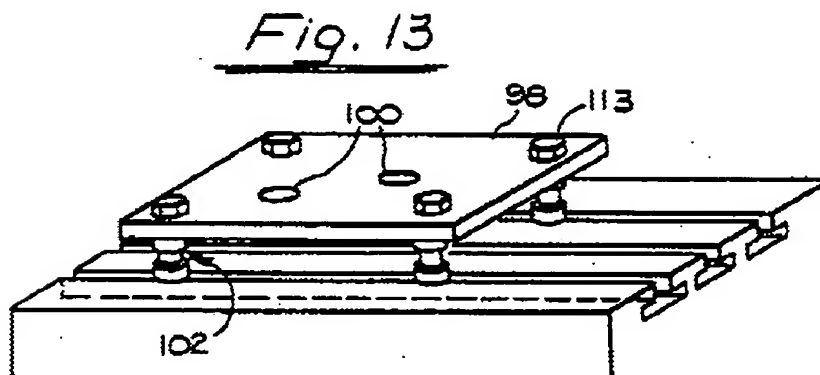
*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-16, 18-24, 26, 27, 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,199,836 to Gogarty.



Gogarty '836 discloses a support mount (above) comprising accepting means comprising a base plate (98), and coupling means (above) comprising a cylindrical portion (108) that is rotationally activated, wherein the coupling means comprises a t-bolt (12), wherein the coupling means includes aligning means (30, generally, see figure 1) that is rotationally activated, wherein the support mount includes a cylindrical mount device permanently attached to the base plate (100, hole and inside wall are a "mount device"), wherein the support mount includes a knob assembly/stem assembly including a knob, circular stem and a bolt/t-bolt (above), wherein the knob is permanently secured to the stem, wherein the bolt/t-bolt is secured into a cavity in the stem, wherein the cavity includes screw threads complementary to screw threads included on a cylindrical portion of the bolt, wherein the bolt comprises a head, collar and cylindrical portion (28, 30, 108), wherein the head forms a T-shape with the collar and the cylindrical portion, wherein the collar is a shape that serves as a cam when the bolt is rotated, wherein the head inherently becomes perpendicular to a channel opening in a rail, wherein the cylindrical portion includes screw threads complementary to those included in the stem, wherein the support mount is to be attached to a rail via rotating the knob (inherently), wherein the support mount is inherently attachable to a rail via placing the head(s) of the t-bolt(s) into a channel in a rail (see figure 13) and rotating the knobs so as to inherently cause the cylindrical portion to be drawn into a receiving cavity in the stem as the head becomes flush with the underside of lips of the channel in the rail as some pin body is secured against the top of the rail.

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 6,222,107 to Lo.

Lo '107 discloses a support mount (figure 2) comprising an accepting means comprising a base plate (44), and a coupling means comprising a butterfly bolt (70).

Claims 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,794,901 to Sigel.

Sigel '901 discloses a support mount (figure 2) comprising mount device (7, a "mount device" is inherently a "device for mounting," and the device 7 inherently could have some object mounted thereto), a base plate (13) to which the mount device is permanently attached, a knob assembly including a knob, stem and a t-bolt (16, 12, 17, generally, respectively), wherein the knob is permanently secured to the stem, wherein the t-bolt includes a head, collar and cylindrical portion (18, 36, 22, generally, respectively), wherein the support mount is to be attached to a rail via rotating the knob (inherently), wherein the support mount is to be attached to a rail via rotating the knob (inherently), wherein the support mount is inherently attachable to a rail via placing the head(s) of the t-bolt(s) into a channel in a rail (see figure 13) and rotating the knobs so as to inherently cause the cylindrical portion to be drawn into a receiving cavity in the stem as the head becomes flush with the underside of lips of the channel in the rail as some pin body is secured against the top of the rail, wherein a friction plate (38, it is a plate, and it inherently has some friction), is coupled to the side of the base plate that meets a rail.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogarty '836.

Gogarty '836 divulges the previous invention, wherein the knob/stem assembly is constructed of metal (see cross hatching in figure 14), but fails to specifically reveal the mount device and base plate to be constructed of metal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the mount device and base plate of metal so as to utilize a similar material throughout the invention, in addition to the fact that doing so is well known to provide for a sturdy device, and thus doing so is not considered patentable.

Claims 35-38 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Gogarty '836.

Gogarty '836 teaches the previous support mounts of claims 8, 15 and 23, wherein Gogarty '836 additionally inherently teaches a method of mounting stage equipment ("stage equipment" is inherently "equipment for a stage" which could be myriad objects such as, but not limited to, a screw, bracket, etc.) comprising coupling a rail to a wall (inherently the rail is coupled to some wall as in figure 13), placing a support mount (as previously described with respect to claims 8, 15 and 23) into at least one channel in the rail, rotating the knob assembly included in the support mount to quickly and easily secure the support mount to the rail (inherently the knob is rotated), and attaching a stage apparatus to a mount device included with the support mount (a "drill" is attached to the mount device, and a drill could inherently be "stage equipment" since a drill could be used in building various props). However, one might not interpret Gogarty '836 to specifically teach such steps of the method. Nevertheless, It would have been obvious to one of ordinary skill in the art at the time the invention was made to have



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completed such steps since an ordinary artisan would surely recognize that the device of Gogarty '836 functions in such a manner.

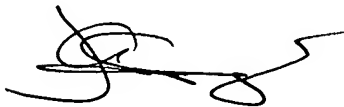
### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Glass '309, Hagen '445, Ingram '501, Parron '794, Nehls '331, Hoffman '974, Hartmann et al. '083 and Snyder et al. '568 divulge various support mounts including base plates, mounting devices, and t-bolts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny  
Patent Examiner  
Technology Center 3600  
Art Unit 3632  
February 17, 2005